

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

400S0187

HOUSE BILL NO. 1020

Introduced by: The Committee on Judiciary at the request of the Department of Corrections

1 FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding the disclosure of
2 parole eligibility at sentencing.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 23A-27-48 be repealed.

5 ~~— 23A-27-48. In any criminal case in which the court imposes a sentence that includes~~
6 ~~imprisonment, the judge, in open court, shall state the legal maximum time of imprisonment and~~
7 ~~the estimated minimum period the defendant must serve before being eligible for parole~~
8 ~~pursuant to chapter 24-15. Thereafter, the defendant's parole eligibility shall be determined by~~
9 ~~the Department of Corrections pursuant to chapter 24-15. If the parole eligibility as determined~~
10 ~~by the Department of Corrections is different from that stated by the court, the Department of~~
11 ~~Corrections shall notify the sentencing court, prosecuting attorney, and defendant in writing of~~
12 ~~the difference.~~

